

REMARKS

Applicants and the undersigned reviewed the pending Office Action carefully. Reconsideration is respectfully requested. Nonetheless, in light of the positions presented herein, this application is believed to be in condition for allowance.

Several claims were rejected under 35 U.S.C. § 102(e) as anticipated by Dubertret. Applicants appreciate the Examiner's concern regarding appropriate Rule 131 declarations, but respectfully disagree. Pertinent *MPEP* commentary parallels the *Borkowski* and *Harry* cases cited therein. *Borkowski* is distinguishable on its facts in that the notebook pages incorporated into the subject declaration left open the question whether there was any reduction of practice. In *Harry*, no laboratory notebook pages accompanied the declaration and no facts were presented. Clearly, Applicants' declarations and incorporated exhibits do not raise such issues.

Nonetheless, the Examiner's point about location of work performed is well-taken, and Applicants' revised declarations present facts showing completion of the claimed invention before the effective date of the Dubertret reference. More particularly, the invention cited in independent claims 1, 14 and 20 was conceived and with due diligence reduced to practice prior to the effective date of the Dubertret reference. Accordingly, there is no anticipation. The rejection should be withdrawn, with the subject claims allowed to proceed toward issue.


Several claims were rejected under 35 U.S.C. § 102(b) as being anticipated by Hakimi. The activated linker groups and resulting chemistry described in Hakimi do not include, but rather preclude the ether and amine linkages recited in claim 11. (Support for such linkages is found throughout the present specification, in particular on page 5.) Accordingly, Hakimi is not anticipatory. The rejection should be withdrawn, with the subject claims allowed to proceed toward issue.

Several claims were also rejected under 35 U.S.C. § 102(b), as anticipated by Siiman. Again, Applicants understand but respectfully disagree with the Examiner.

Regarding independent claim 1, without limitation, the Siiman aminodextran ligands are multidentate (e.g., multidentate metal ion coordination in Example 7). Regarding independent claim 20, without limitation, Siiman describes antibody conjugation with, rather than greater affinity compared to or displacement of, the aforementioned aminodextran ligand (e.g., antibody-dextran conjugation in Fig. 18 and Examples 8-10). Claim 20 is hereby amended, solely for purpose of clarification and without further limitation, to further distinguish the subject invention. As such, Siiman is not anticipatory, the rejection should be withdraw, with the subject claims allowed to proceed toward issue.

Again, Applicants appricate the prior indication of allowable subject matter. In light of the foregoing, this application is now believed to be in condition for full allowance. Consistent therewith, favorable action is respectfully requested. The Examiner is invited to contact the undersigned by telephone should any issue remain. Thank you for your help and consideration.

Respectfully submitted:



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